

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HANNAH MORRISON and DODGE WOERTENDYKE

Plaintiffs,

- against -

THE CITY OF NEW YORK, BRENDAN BRADLEY,
SHIELD NO. 1507, ERIN McMORROW, SHIELD NO.
2386, and JOHN DOES #1-5,

Defendants.
-----X

NOTICE OF REMOVAL

Case No. 21 Civ 10647

Law Dep't No.: 2021-001602

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendant THE CITY OF NEW YORK (hereinafter "the City"), by and through its attorney, GEORGIA M. PESTANA, Corporation Counsel of the City of New York, respectfully shows this Court as follows:

1. On October 27, 2021, Plaintiff commenced this action by filing a Summons and Complaint in the Supreme Court of the State of New York, County of New York, under Index No. 159784/2021 naming THE CITY OF NEW YORK, BRENDAN BRADLEY, SHIELD NO. 1507, ERIN McMORROW, SHIELD NO. 2386, and JOHN DOES #1-5 as defendants therein, and setting forth the claims for relief upon which this action is allegedly based. See Plaintiff's Summons and Complaint, annexed hereto as "Exhibit A."

2. Upon information and belief, the City was served with the Summons and Verified Complaint on November 16, 2021. See Affidavit of Service of the Summons and Complaint on the City, annexed hereto as "Exhibit B".

3. Upon information and belief, Brendan Bradley s/h/a BRENDAN BRADLEY, SHIELD NO. 1507 (hereinafter "BRADLEY") was served with a Summons and Verified

Complaint in the above-entitled action on November 16, 2021. See Affidavit of Service of the Summons and Complaint on BRADLEY, annexed hereto as “Exhibit C”.

4. Upon information and belief and according to the NYSCEF docket, Erin McMorrow s/h/a ERIN McMORROW, SHIELD NO. 2386, (“hereinafter “McMORROW”) has not been served in this action.¹

5. The City joined issue by service of an Answer on December 1, 2021. See Answer, annexed hereto as “Exhibit D.”

6. Defendant BRADLEY consents to the removal of this action to the United States District Court for the Southern District of New York. A copy of the Consent to Removal Form is annexed hereto as “Exhibit E.”

7. Defendant McMORROW consents to the removal of this action to the United States District Court for the Southern District of New York. A copy of the Consent to Removal Form is annexed hereto as “Exhibit F.”

8. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

9. Plaintiffs bring this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, claims of false arrest, excessive force, failure to intervene, denial of right to be free from unreasonable searches and seizures, denial of right to freedom of speech, expression and assembly, and denial of due process, all in violation of the First, Fourth, and/or Fourteenth

¹ A review of New York State Courts Electronic Filing (“NYSCEF”) system revealed that plaintiffs have not filed an affidavit of service, indicating that service was not yet properly effectuated upon defendant ERIN McMORROW, SHIELD NO. 2386.

Amendments to the United States Constitution. See Ex. A. Plaintiff also asserts state law claims alleging false arrest, assault, battery, and respondeat superior. See Id.

10. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt by the City of the Summons and Verified Complaint on or about November 16, 2021. See 28 U.S.C. § 1446(b).

11. The City will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

12. The City is unaware of any previous application for the relief requested herein.

WHEREFORE, the City respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 14, 2021

GEORGIA M. PESTANA
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Sgt. Erin McMorrow, Shield No. 2386
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